



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	VIII	Special Interest Topics	
Chapter:	F	Children in Conflict with the Law	10-5-2009
Subchapter:	1	Juveniles	
Issuance:	100	Juvenile Justice Statutes	

Historical Context 10-5-2009

In 1982, a package of five bills was passed by the New Jersey legislature and signed by the Governor. This legislation revised the juvenile justice code and established the family court which replaced the juvenile and domestic relations court. The legislation took effect December 31, 1983. The legislation appears in N.J.S.A. 2A:4A-20 to 91.

The intent of the revisions to the code was to serve the public welfare and the best interests of juveniles by providing:

- Harsher penalties for those who commit serious or repetitive acts; and
- Alternate dispositions for less serious offenders.

See N.J.S.A. 2A:4A-60 - Disclosure of Juvenile Delinquency and Juvenile Family Crisis Information.

Purposes of the Legislation 11-2-87

- To preserve the unity of the family whenever possible and to provide for the care, protection and wholesome mental and physical development of juveniles coming within the provisions of this act.
- Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefore an adequate program of supervision, care and rehabilitation.
- To separate juveniles from the family environment only when necessary for their health, safety or welfare or in the interests of public safety.
- To secure for each child coming under the jurisdiction of each court such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the state;

and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

- To ensure that children under the jurisdiction of the court are wards of the state, subject to the discipline and entitled to the protection of the state, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them. N.J.S.A. 2A:4A-21.

Definitions 11-2-87

- Commit means to transfer legal custody to an institution.
- Delinquency means the commission of an act by a juvenile which if committed by an adult would constitute:
 - a crime,
 - a disorderly persons offense or petty disorderly persons offense, or
 - a violation of any other penal statute, ordinance or regulation.

Certain violations of chapters 3, 4, 6 or 8 of Title 39 of the Revised Statutes, Motor Vehicles and Traffic Regulations, shall not constitute delinquency.

- Detention means the temporary care of juveniles in physically restricting facilities pending court disposition.
- Guardian means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.
- Juvenile means an individual who is under the age of 18 years.
- Juvenile - family crisis means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in:
 - a serious threat to the well-being and physical safety of a juvenile, or
 - a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or
 - unauthorized absence by a juvenile for more than 24 hours from his home, or

- a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes.
- Shelter care means the temporary care of juveniles in facilities without physical restriction pending court disposition. N.J.S.A. 2A:4A - 22 and 23.

Responsibility for Inspection and Approval of Juvenile - Family in Crisis Shelters 11-2-87

The Office of Licensing is responsible for inspecting and approving Juvenile-Family in Crisis Shelters. Criteria are outlined in the Manual of Standards for Children's Shelter Facilities and Homes. See N.J.S.A. 2A:4A-37.

Responsibility for Monitoring and Inspection of Detention Facilities 11-2-87

The Department of Corrections, Juvenile Detention and Monitoring Unit, is responsible for monitoring and inspecting detention facilities. See N.J.S.A. 2A:4A-37. Criteria are outlined in the Manual of Standards for Juvenile Detention Facilities.

Local Office staff is responsible for notifying the Area Office of concerns or problems regarding detention facilities or programs. The Area Office in turn forwards them to the Juvenile Detention and Monitoring Unit for investigation.

However, the Juvenile Detention and Monitoring Unit (609-984-6539) must be contacted immediately by either the Local or Area Office in situations which may require a prompt investigation. These situations may include such things as deaths, suicide attempts, outbreaks of contagious diseases, escapes, riots, sexual assaults, fires, or incidents which, in the opinion of the Local Office, may warrant prompt attention by the Juvenile Detention and Monitoring Unit.

Allegations of institutional abuse are handled by the Institutional Abuse Unit. See IAIU-I-A-1, Institutional Abuse Investigation Unit. Some institutional abuse allegations may also warrant immediate involvement by the Juvenile Detention and Monitoring Unit, and the Local or Area Office is responsible for notifying that Unit.

Amendments to the Law, Confidentiality Safeguards 10-5-2009

P.L. 2006 c. 315, "An Act Concerning County Juvenile Detention Centers and Supplementing P.L. 1995 c 284," was signed into law January 13, 2008. The confidentiality provisions of relevant State statutes were adopted to enhance the safety of juveniles in detention centers, as well as protect all reports and records pertaining to mental health services offered to any juvenile pending charges of delinquency. This change impacts DCF, as Family Court Judges may order CP&P or the Children's System of Care (CSOC) to provide pre-dispositional

evaluations and mental health screenings (generally known as “14-day plans”) for the juveniles appearing before them.

To safeguard the juvenile’s right to confidentiality, when a DCF agency is ordered by the Family Court to prepare a service plan for the child, DCF provides the report, along with any supportive documents, directly to the child’s defense attorney. The agency representative (assigned Worker, Court Liaison, etc.) notices the court of the completion of the plan, and that DCF delivered the plan to the child’s defense attorney.

See policy, with a discussion of the statute, at:

- [CP&P-IX-G-1-100](#), Disclosure of Client Information
- N.J.S.A. 2A:4A-60.3 - Conditions for Disclosure of Juvenile’s Information to Court.